

**ERIE COUNTY LEGISLATURE
MEETING NO. 16
SEPTEMBER 25, 2006
SPECIAL SESSION**

The Legislature was called to order by Chairman Marinelli.

All members present.

A Moment of Silence was held.

The Pledge of Allegiance was led by Legislator Weinstein.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meetings.

Item 3 – Minutes of previous meetings were tabled.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 4 – MS. WHYTE moved to discharge the COMMUNITY ENRICHMENT COMMITTEE from further consideration of COMM. 11E-18. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 270

RE: Institutional Energy Services Performance Contracting Program – Award of Construction Work at ECC

WHEREAS, in a resolution being Communication No. 9E-34 dated May 9, 2002, the Erie County Legislature authorized entering into a contract with Siemens Building Technologies related to instituting a construction Performance Contract on the Erie Community College campus buildings; and

WHEREAS, a preliminary energy audit of their facilities has been completed at these facilities and a program has been developed that meets with the Commissioner of Public Works' directives; and

WHEREAS, the program's capital construction will be approximately \$8,450,000 with energy and other savings estimated at an average of approximately \$740,000 per year over the ten-year program; and

WHEREAS, DASNY will reimburse Erie County half of the construction value, or almost \$4,230,000 and NYSERDA is expected to reimburse another almost \$250,000 for the program if implemented; and

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WHEREAS, as the annual cost of the tax-exempt municipal lease and the required Technical Services Program is guaranteed to be less than the savings generated, by ECC Board resolution, ECC will reimburse Erie County the annual costs of the tax-exempt municipal lease and the required Technical Services Program so there is zero net cost to Erie County; and

WHEREAS, Erie County must take the lead on this project, however, as the County owns the facility and to qualify of DASNY matching funds; and

WHEREAS, the Commissioner of the Department of Public Works recommends acceptance of the program and that construction be implemented.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the County Executive to execute a Supplemental Agreement to the County's Performance Contractor, Siemens Building Technologies, in an amount not to exceed \$8,450,000 to perform the Energy Conservation Measures Program derived from their preliminary energy audit work, and approximately \$150,000 annually over the ten-year program for the Technical Services Program and to assist the County in procuring competitively bid financing through a Tax-Exempt Municipal Lease subject to DASNY/SUNY Construction fund approval, Bond Counsel approval and receipt of the final ECC Board resolution; and be it further

RESOLVED, that the Erie County Legislature authorizes acceptance of all outside funding sources, including DASNY/SUNY Construction Fund funding expected at almost \$4,230,000 and NYSERDA funding expected at almost \$250,000, in addition to the payment of the annual cost of both the tax-exempt municipal lease and Technical Services Program from ECC; and be it further

RESOLVED, that two certified copies of this resolution be forwarded to the Commissioner of Public Works, and one copy each to the Office of the County Executive, the Division of Budget, Management & Finance, and the Office of the Comptroller.

MS. WHYTE moved for the approval of the item. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM CHAIRPERSON MARINELLI

Item 5 – (COMM. 16E-1) Letter to Interim Clerk of the Legislature Re: Special Session

Received, Filed and Printed.

September 22, 2006

David J. Swarts

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Interim Clerk
 Erie County Legislature
 92 Franklin Street, 4th Floor
 Buffalo, NY 14202

Dear Mr. Swarts:

Pursuant to Rule 2.02 of the Rules of Order of the Erie County Legislature, you are hereby directed to call a Special Meeting of the Erie County Legislature to be held on **MONDAY, SEPTEMBER 25, 2005 at 11:00 AM** in the Erie County Legislature Chambers, 4th Floor, of the Old County Hall, 92 Franklin Street, in the City of Buffalo, New York.

The purpose of this meeting will include action on an item currently within the Community Enrichment Committee (Resolution No. 11E-8 - *Institutional Energy Services Performance Contracting Program – Award of Construction Work at ECC*) and a Public Hearing in regards to LL Int. No. 9 – 2006 (*A Local Law providing for the lease of a portion of the South Campus of Erie Community College for the Development of Student Housing*).

The items on the agenda will include a Discharge from the Community Enrichment Committee – Comm. 11E-8; a Public Hearing regarding LL Int. No. 9 - 2006; my Letter Calling the Special Meeting; and the Clerk of the Legislature's Memo to Legislators.

Sincerely,

LYNN MARINELLI
 Chairperson
 Erie County Legislature

FROM LEGISLATOR IANNELLO

Item 6 – (COMM. 16E-2) Notice of Public Hearing Re: LL INT 9-1 (2006)

Received, Filed and Printed.

TO: Members of the Erie County Legislature

FROM: Michele Iannello, Chair of the Community Enrichment Committee

DATE: September 22, 2006

Re: Public Hearing Re: Lease of Land on Erie Community College South
 Campus to the Erie Community College
 Foundation for Student Housing

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On Wednesday, September 27, 2006 at 5:00 p.m. there will be a Public Hearing on the 4th Floor of Old County Hall at 92 Franklin Street.

The public is welcome to attend this hearing and to give comment regarding the proposed Local Law No. 9 which will authorize the County to enter into a long term lease with the Erie Community College Foundation for the purpose of building on-campus housing for students of Erie Community College.

FROM THE DEPARTMENTS

FROM THE INTERIM CLERK OF THE LEGISLATURE

Item 7 – (COMM. 16D-1) Special Meeting Notice

Received, Filed and Printed.

September 22, 2006

To: All Erie County Legislators
 From: David J. Swarts, Interim Clerk of the Legislature
 Subject: Special Meeting Notice -2006 Budget

PLEASE TAKE NOTICE that pursuant to Rule 2.02 of the Rules of Order of the Erie County Legislature and under the direction of Chairman Lynn Marinelli., there will be a SPECIAL MEETING of the Erie County Legislature on MONDAY, SEPTEMBER 25, 2006 at 11:00 AM in the Erie County Legislature Chambers, 4th Floor, of the Old County Hall, 92 Franklin Street, in the City of Buffalo, New York.

The purpose of this meeting will include action on an item currently within the Community Enrichment Committee (Resolution No. 11E-8 - *Institutional Energy Services Performance Contracting Program – Award of Construction Work at ECC*) and a Public Hearing in regards to LL Int. No. 9 – 2006 (*A Local Law providing for the lease of a portion of the South Campus of Erie Community College for the Development of Student Housing*).

The items on the agenda will include:

- Discharge from Community Enrichment, Comm. 11E-8
- Public Hearing regarding LL Int. No. 9 – 2006
- Chairman Marinelli's Letter Calling Special Meeting
- Interim Clerk of the Legislature's Memo to Legislators

MEMORIAL RESOLUTIONS

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Item 8 – Mr. Reynolds requested that when the Legislature adjourns, it do so in memory of Daisy Mae Erick Winters.

ADJOURNMENT

Item 9 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. HOLT moved that the Legislature adjourn until Thursday, September 28, 2006 at 2 p.m. Eastern Standard Time. MS. KONST seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, September 28, 2006 at 2 p.m. Eastern Standard Time.

DAVID J. SWARTS
INTERIM CLERK